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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,618	03/18/2004	Yuichi Taguchi	16869B-102700US	7877
20350 7590 03/09/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER MAHMOOD, REZWANUL	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/804,618	Applicant(s) TAGUCHI, YUICHI	
	Examiner Rezwanul Mahmood	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on December 22, 2006.

Response to Amendment

2. Claims 1-20 were previously pending in this application.
3. Applicant has cancelled claims 2 and 17.
4. Claims 1, 3-16 and 18-20 are now pending in this office action.
5. In view of the amendment filed on 12/22/06, the objections to the drawing and specification have been withdrawn.

Response to Arguments

6. Applicant's arguments filed on December 22, 2006 have been fully considered but they are not persuasive for the following reasons:

Applicant argues that the cited references do not teach or suggest the features:

"a data protection server including a data protection management program that cooperates with the first data storage subsystem to protect the data file stored in the first storage subsystem, the data protection server looking up the management rule inserted into the header of the data file to determine action to protect the data file", as disclosed in amended claim 1.

"the management rule is inserted into a header of the data file; and the management server includes a second management program that cooperates with a file

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system to store the data file in the storage subsystem, the second management program looking up the management rule inserted into the header of the data file to determine action to take with respect to the data file", as disclosed in amended claim 10.

"a first management program operable to access the header of a data file to look up a management rule inserted in the header and manage the data file according to the management rule inserted in the header, the management rule relating to a retention period or relocation instructions of the data file", as discloses in amended claim 13.

"storing the data file and the management rule at a first storage location in a first storage subsystem, the management rule relating to retention or relocation information of the data file; accessing the management ruled attached to the data file; and performing a management act relating to the data file according to the management rule, wherein the management rule is inserted into a header of the data file", as disclosed in claim 16.

"inserting the management rule into the header of the data file, and looking up the management rule inserted into the header by a management server to determine what action to take with respect to the data file".

"nothing in Zahavi et al. and nothing in the office action indicates how inserting the management rule into the header of the data file would provide a data management method or apparatus for implementation in an automated system to monitor and manage status, performance and configuration data for a plurality of networked storage components".

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation:

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Nilsson discloses a data protection server including a data protection program that cooperates with the first data storage subsystem to protect the data file. (Nilsson: Abstract, lines 6-25; Paragraph 21, lines 9-22; Paragraph 39, lines 26; Figure 1).

Kasmirsky discloses a rule-based storage management mechanism for the process or archiving and/or retrieving data, and Nilsson discloses a data protection server, as admitted by the applicant. The Kasmirsky reference discloses a data file containing management rule information, which are looked up by the rule engine or storage manager to determine what action to take with respect to the data file (Kasmirsky: Paragraph 9, lines 6-22; Paragraph 10, lines 1-8; Paragraph 18, lines 1-6; Paragraph 19, lines 1-10; Paragraph 35, lines 1-7; Figure 1; Figure 3).

The Kasmirsky reference does not disclose explicitly inserting the management

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rule into the header of a file, however, Zahavi discloses the feature of a header block that contains the description and order of the periodic data Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4, as admitted by the applicant. So the teachings of Zahavi combined with the teachings of Kasmirsky teaches the argued feature.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the cited references to have added the management rules of a data file to the header of the file, which is then processed by the rule engine and the storage manager to monitor and manage status, performance and configuration data for a plurality of networked storage components (Kasmirsky: Paragraph 19, lines 1-10; Zahavi: Paragraph 10, lines 1-5).

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasmirsky (US Publication 2004/0193740) in view of Zahavi (US Publication 2005/0086646) and further in view of Nilsson (US Publication 2005/0188220).

9. With respect to claim 1, Kasmirsky discloses a storage system, comprising:
a host configured to receive a data file from a client, the host including a data management rule set program that is operable to associate a management rule to the data file received from the client (Kasmirsky: Paragraph 19, lines 1-10; Figure 5);
a first storage subsystem configured to receive and store the data file from the host, the storage system including a storage controller and a plurality of storage volumes (Kasmirsky: Paragraph 18, lines 1-6; Figure 3; Figure 5);

However, Kasmirsky does not disclose explicitly:

the management rule is inserted into a header of the data file.

The Zahavi reference, however, discloses each data file including a header block that contains the description and order of the periodic data (Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Zahavi with the teachings

of Kasmirsky to have the management rule inserted in the header of a data file to monitor and manage status, performance and configuration data for a plurality of networked storage components (Zahavi: Paragraph 10, lines 1-5).

Kasmirsky in view of Zahavi does not disclose explicitly:

a data protection server including a data protection management program that cooperates with the first storage subsystem to protect the data file stored in the first storage subsystem, the data protection server looking up the data file to determine action to protect the data file.

The Nilsson reference, however, discloses a data protection server including a data protection management program that cooperates with a storage subsystem to protect data (Nilsson: Abstract, lines 6-24; Paragraph 21, lines 6-19; Paragraph 39, lines 1-26; Figure 1-2B).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Nilsson with the teachings of Kasmirsky and Zahavi to have a data protection server including a data protection management program that cooperates with a storage subsystem to protect data for providing an arrangement and method through which end user personal data can be protected to a high extent (Nilsson: Paragraph 7, lines 2-4).

10. With respect to claim 3, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 1, wherein the management rule relates to a retention period of the data file (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10,

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lines 1-8).

11. With respect to claim 4, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 1, wherein the first storage subsystem further comprises a data protection program that cooperates with the data protection management program of the data protection server to protect the data file stored in the first storage subsystem, wherein the management rule is attached to the data file and transmitted to the first storage subsystem with a data content of the data file (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Paragraph 35, lines 1-7; Nilsson: Abstract, lines 6-24; Paragraph 39, lines 1-26; Figure 1-2B).

12. With respect to claim 5, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 1, where the data file is stored in a first storage volume of the first storage subsystem, the storage system further comprising:
a data relocation server configured to manage relocation of the data file to a second storage volume from the first storage volume, the data relocation server including a data relocation management program and a storage information table including information about storage subsystems and storage media associated with the storage system, wherein the data relocation management program initiates the relocation of the data file to the second storage volume by looking up the storage information table for a suitable storage location for the second storage volume (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Figure 3-5; Paragraph 56,

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lines 1-7; Paragraph 57, lines 10-16; Paragraph 61, lines 9-14; In Kasmirsky Figure 3, the storage manager can act as a data relocation server which inherently will have a data relocation management program that can relocate data from one storage to another. Prior to moving data file from one storage to another, the storage manager looks up information regarding a suitable relocation location, this information inherently can be in the form of an information table).

13. With respect to claim 6, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 5, wherein the second storage volume is located in a second storage subsystem of the storage system (Kasmirsky: Paragraph 57, lines 10-16; Figure 3).

14. With respect to claim 7, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 1, wherein the data relocation server and the host are different devices (In Kasmirsky Figure 3 the components are different devices).

15. With respect to claim 8, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 1, wherein the data protection server and the host are different devices (In Kasmirsky Figure 3 the components are different devices).

16. With respect to claim 9, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the storage system of claim 1, wherein the data management rule set program of the host inserts a plurality of management rules into the header of the data file, the management rules relating to information about a retention period and relocation instructions of the data file (Kasmirsky: Paragraph 19, lines 1-10; Figure 3; Figure 5; Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4).

17. With respect to claim 10, Kasmirsky discloses a management server provided in a storage system, the storage system including one or more hosts and one or more storage subsystems, the management server comprising:

- a memory to store data (Kasmirsky: Item 26 in Figure 1);

- a processor to process data (Kasmirsky: For all the modules in Figure 1 to operate, inherently there is a processor);

- a network interface to link with one or more computers of the storage system (Kasmirsky: Figure 3); and

- a first management program to attach a management rule to a data file to be stored in a storage subsystem of the storage system, the management rule relating to a retention period or relocation information of the data file (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Figure 5),

- wherein the data file and the management rule are stored in a storage volume of the storage subsystem (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8);

- However, Kasmirsky does not disclose explicitly:

the management rule is inserted into a header of the data file.

The, Zahavi reference, however, discloses management rule inserted in the header of a file (Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Zahavi with the teachings of Kasmirsky to have the management rule inserted in the header of a data file to monitor and manage status, performance and configuration data for a plurality of networked storage components (Zahavi: Paragraph 10, lines 1-5).

Kasmirsky in view of Zahavi discloses:

wherein the management server includes a second management program that cooperates with a file system to store the data file in the storage subsystem, the second management program looking up the management rule inserted into the header of the data file to determine action to take with respect to the data file (Kasmirsky: Figure 3 shows a second storage, which inherently can have a second management program for storing data file).

18. With respect to claim 11, Kasmirsky in view of Zahavi discloses the server of claim 10, wherein the server is a host that is configured to receive data files from a client of the storage system and send read and write requests to the storage subsystem (Kasmirsky: Figure 3; Here the server is configured to receive data files from client via input data source and send read and write requests).

19. With respect to claim 12, Kasmirsky in view of Zahavi discloses the server of claim 10, wherein the second management program is a data protection management program or a data relocation management program (Kasmirsky: Figure 3; Here the second management program can be the storage manager/data relocation).

20. With respect to claim 13, Kasmirsky discloses a management server provided in a storage system, the storage system including one or more hosts and one or more storage subsystems, the management server comprising:

- a memory to store data (Kasmirsky: Item 26 in Figure 1);
- a processor to process data (Kasmirsky: For all the modules in Figure 1 to operate, inherently there is a processor);
- a network interface to link with one or more computers of the storage system (Kasmirsky: Figure 3); and
- a first management program, look up a management rule and managing the data file according to the management rule, the management rule relating to a retention period or relocation instructions of the data file (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Figure 5).

However, Kasmirsky does not disclose explicitly:
management rule inserted in the header.

The, Zahavi reference, however, discloses management rule inserted in the header of a file (Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art, at

the time the invention was made, to combine the teachings of Zahavi with the teachings of Kasmirsky to have the management rule inserted in the header of a data file to monitor and manage status, performance and configuration data for a plurality of networked storage components (Zahavi: Paragraph 10, lines 1-5).

21. With respect to claim 14, Kasmirsky in view Zahavi discloses the server of claim 13,

However, does not disclose explicitly:

the server is a data protection server and the first management program is a data protection management program

The Nilsson reference, however, discloses a data protection server including a data protection management program that cooperates with a storage subsystem to protect data (Nilsson: Abstract, lines 6-24; Paragraph 21, lines 6-19; Paragraph 39, lines 1-26; Figure 1-2B).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Nilsson with the teachings of Kasmirsky and Zahavi to have a data protection server including a data protection management program that cooperates with a storage subsystem to protect data for providing an arrangement and method through which end user personal data can be protected to a high extent (Nilsson: Paragraph 7, lines 2-4).

22. With respect to claim 15, Kasmirsky in view of Zahavi and in further view of

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Nilsson discloses the server of claim 13, wherein the server is a data relocation server and the first management program is a data relocation management program (Kasmirsky: Figure 3; Here the storage manager in Kasmirsky acts as a relocation server, which inherently contains a relocation management program).

23. With respect to claim 16, Kasmirsky discloses a method for managing a data file stored in a storage system, the storage system including one or more client, one or more hosts, one or more storage subsystems, the method comprising:

- receiving a data file including a data content (Kasmirsky: Paragraph 18, lines 1-6; Paragraph 19, lines 1-10; Figure 3);

- attaching a management rule to the data file (Kasmirsky: Paragraph 18, lines 1-6; Paragraph 19, lines 1-10; Paragraph 35, lines 1-7; Figure 5);

- storing the data file and the management rule at a first storage location in a first storage subsystem, the management rule relating to retention or relocation information of the data file (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Figure 3; Figure 5); and

- notifying a management program about the data file (Kasmirsky: Figure 5).

- accessing the management rule attached to the data file (Kasmirsky: Paragraph 19, lines 1-10); and

- performing a management act relating to the data file according to the management rule (Kasmirsky: paragraph 18, lines 1-6; Paragraph 19, lines 1-10),

However, Kasmirsky does not disclose explicitly:

the management rule is inserted into the header of the data file.

The, Zahavi reference, however, discloses management rule inserted in the header of a file (Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Zahavi with the teachings of Kasmirsky to have the management rule inserted in the header of a data file to monitor and manage status, performance and configuration data for a plurality of networked storage components (Zahavi: Paragraph 10, lines 1-5).

24. With respect to claim 18, Kasmirsky in view of Zahavi discloses the method of claim 17,

However, does not disclose explicitly:

the management rule is accessed by a data protection management program provided in a data protection server, the management act being an act related to preventing the data file stored in the first storage location from being modified or deleted.

The Nilsson reference, however, discloses a data protection server including a data protection management program that cooperates with a storage subsystem to protect data (Nilsson: Abstract, lines 6-24; Paragraph 21, lines 6-19; Paragraph 39, lines 1-26; Figure 1-2B).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to combine the teachings of Nilsson with the teachings

of Kasmirsky and Zahavi to have a data protection server including a data protection management program that cooperates with a storage subsystem to protect data for providing an arrangement and method through which end user personal data can be protected to a high extent (Nilsson: Paragraph 7, lines 2-4).

25. With respect to claim 19, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the method of claim 17, wherein the management rule is accessed by a data relocation server, and the management act relates to relocating the data file to a second storage location (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Figure 5; paragraph 19, lines 1-10).

26. With respect to claim 20, Kasmirsky in view of Zahavi and in further view of Nilsson discloses the method of claim 17, wherein the management rule is inserted into a header of the data file by a host (Kasmirsky: Paragraph 9, lines 4-24; Paragraph 10, lines 1-8; Zahavi: Paragraph 48, lines 1-4; Paragraph 49, lines 1-4).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Greenblatt reference (US Publication 2003/0115204) teaches about data management server and storage systems. The Gajjar reference (US Publication 2002/0174306) teaches about policy based storage management. The Umebayashi reference (US Publication 2004/0010701) teaches about a data protection program. The Trimmer reference (US Publication 2004/0044863) teaches about a data protection program. The Prahlad reference (US Publication 2006/0010154) teaches about a system and method performing storage operations using network attached storages. The Boraz reference (US Publication 2006/0288183) teaches about a data protection server and program. The Thomlinson reference (US Patent 6,389,535) teaches about data protection server and program.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

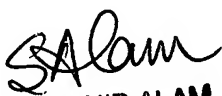
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rezwanul Mahmood
Examiner
Art Unit 2164

March 3, 2007


SHAHID ALAM
PRIMARY EXAMINER